

Measures to reduce the cost of deploying gigabit electronic communications networks

2023/0046(COD) - 08/05/2024 - Final act

PURPOSE: to ensure faster deployment of digital network infrastructure across Europe.

LEGISLATIVE ACT: Regulation (EU) 2024/1309 of the European Parliament and of the Council on measures to reduce the cost of deploying gigabit electronic communications networks, amending Regulation (EU) 2015/2120 and repealing Directive 2014/61/EU (Gigabit Infrastructure Act).

CONTENT : this Regulation aims to facilitate and stimulate the roll-out of very high-capacity networks, such as fibre and 5G, by promoting the joint use of existing physical infrastructure and by enabling a more efficient deployment of new physical infrastructure so that such networks can be rolled out faster and at a lower cost.

Access to existing physical infrastructure

Network operators and public sector bodies owning or controlling physical infrastructure should meet, upon written request of an operator, all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high-capacity networks or associated facilities. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Member States may provide that owners of private commercial buildings which are not owned or controlled by a network operator are to meet, upon the written request of an operator, reasonable requests for access to those buildings, including their rooftops, with a view to installing elements of very high-capacity networks or associated facilities under fair and reasonable terms and conditions, and at a price reflecting market conditions. Prior to such a request from the access seeker all of the following conditions should be met:

- the building is located in a **rural or remote area** as defined by Member States;
- there is no very high-capacity networks of the same type - fixed or mobile - as that the access seeker intends to deploy available in the area for which the request for access is made, and there is no plan to deploy such a network according to the information collected via the single information point available at the date of the request;
- there is no physical infrastructure in the area for which the request for access is made that is owned or controlled by network operators or public sector bodies and is technically suitable to host elements of very high-capacity networks.

Network operators and public sector bodies owning or controlling physical infrastructure may **refuse access** to certain physical infrastructures on the basis of one or more of the following grounds: the existence of justified grounds in terms of safety, national security and public health or the existence of duly justified grounds in terms of the integrity and security of any network, in particular a **critical national infrastructure**.

Transparency on physical infrastructure

Operators should have the right, in order to request access to a physical infrastructure, to access, on simple request, in electronic form and via a single information point, minimum information concerning existing physical infrastructures. This minimum information must be accessible no later than 10 working days after the request for information is made. Network operators and public sector bodies should make the minimum information and, where appropriate, additional information available through a **single information point** and in electronic form.

Coordination of civil works

Public sector bodies owning or controlling physical infrastructure and network operators should have the right to negotiate agreements on the coordination of civil works, including on the apportioning of costs, with operators with a view to deploying elements of very high-capacity networks or associated facilities.

Procedure for granting permits and rights of way

The new regulation aims to **lower the unnecessarily high costs** of the deployment of high-capacity networks partially caused by permit-granting procedures. The latter will be simplified through a mandatory conciliation mechanism between public sector bodies and telecom operators.

Member States should ensure that a decision on whether or not to grant permits on the deployment of elements of very high-capacity networks or associated facilities is made available within **four months** of the date of receipt of a permit application.

To avoid undue delays, competent authorities should determine the completeness of the permit application within **20 working days** of the date of receipt.

In the absence of a decision from the competent authority within the applicable deadline, **the permit should be deemed to be granted upon expiry of that deadline**. In the absence of a decision by the competent authority within the applicable time limit, authorisation will be deemed to have been granted on expiry of that time limit. Member States may derogate from the provision on tacit approval if they provide the operator with an alternative solution to remedy the competent authority's failure to comply with the time limit set by Union or national law for taking a decision on the application for authorisation.

Where Member States derogate from the application of the provision on tacit approval, they should ensure that a **conciliation meeting** is organised where the operator or the competent authority request this. Such meeting should be organised without undue delay with a view to facilitating the adoption of a decision on the permit.

In-building physical infrastructure

To achieve better access to information society services by the public and the enterprises, the gigabit infrastructure act also addresses deployment and access to in-building physical infrastructure.

The regulation stipulates that all newly constructed buildings and buildings undergoing major renovation works, including elements under joint ownership, for which applications for building permits have been submitted after 12 February 2026, should be equipped with a fibre-ready in-building physical infrastructure and in-building fibre wiring, including connections up to the physical point where the end user connects to the public network.

Intra-EU communications

Given that the present retail price cap for regulated intra-EU communications will expire on 14 May 2024, the current caps of EUR 0.19 per minute for calls and EUR 0.06 per SMS message are extended until **30 June 2032** to ensure protection, especially for vulnerable consumers.

ENTRY INTO FORCE: 11.5.2024.

APPLICATION: from 12.11.2025.